

Remarks

Claims 1-22 are pending and subject to a number of election of species requirements. Claim 18 does not read on the elected active species and has been withdrawn from consideration. Claim 1 has been amended to provide that the suspended active ingredient is in crystal form. Support for the amendment is found in the last paragraph of page 3. No new matter has been added.

The Examiner rejects claims 1-16 and 19-22 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,980,882 ("Eichman") in view of U.S. Patent No. 5,374,659 ("Gowan, Jr.") and U.S. Patent No. 5,356,467 ("Oshlack et al."). The Examiner rejects claim 17 under 35 U.S.C. 103 as being unpatentable over Eichman in view of Gowan and Oshlack and further in view of U.S. Patent No. 5,834,019 ("Gergely et al."). Applicants respectfully traverse these rejections.

The Examiner cites Eichman as showing drug resin complexes that are stabilized by chelating agents. The independent claims have been amended herein to provide that the pharmaceutical active ingredient is suspended as a crystal. Eichman distinguishes the complexes taught therein from the drug in pure form, such as a crystal. See passages in "Background of the Invention", particularly lines 22-25. Hence, Eichman affirmatively would lead one away from using a crystal as claimed herein in the solid or gel forms taught therein. For this reason, Applicants submit that the combination of references cited by the Examiner fails to establish a prima-facie showing of obviousness. Applicants request that the Examiner reconsider and withdraw his obviousness rejections based on Eichman.

Applicants request that the Examiner contact the undersigned representative in the event that minor amendments will further prosecution.

Respectfully submitted,

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